

REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the accompanying amendments, and the discussion that follows.

Claims 1-50 are pending in this application. Claims 1, 18, and 23 have been amended herein for the purpose of clarification. Claims 1-50 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,557,658 to Gregorek et al. ("Gregorek"), in view of He (U.S. Pat. No. 5,642,407). After a careful review of the claims as amended, it is believed that the remaining claims are in allowable form and a Notice of Allowance is respectfully requested.

Claims 1-50 have been rejected as being obvious over Gregorek and He. Gregorek describes transmitting pre-recorded announcements during a telephone call to the caller in lieu of dial tone, ring back, or busy signals. All the independent claims (claims 1, 17, 18, 34, and 35) call for automatically configuring the information based upon a profile generated by monitoring the user's use of the device and/or the user's preferences. This feature, as conceded by the Office Action, is not taught or suggested by Gregorek. However, the Office Action asserts that it is disclosed by He at Col. 1, lines 51-59; Col. 3, lines 26-56 and Col. 4, lines 46-Col. 8, line 12.

He describes a system for an audio response to the caller of an unsuccessful connection attempt. He does not disclose configuring substitute information based on a profile of the user from monitoring the user's use of the device, rather it describes a process for deciding which calls should be selected as unsuccessful calls (Col. 1, lines 55-56; Col. 3, lines 30-31) and is concerned only with unsuccessful attempts at connection. Thus, it does not teach configuring information which is substituted while the connection is being established, and does not use a user profile generated by monitoring the user's use of the communication device. The passage at Col. 1, lines 51-59 cited by the Office Action merely describes playing audio advertisements to selected callers of unsuccessful attempted connections and identifying which callers should be selected based upon attributes associated with the unsuccessful connection. Thus, it describes

selecting unsuccessful callers to be played ads but does not describe configuring information to be presented, or a profile generated by monitoring the user's use or the user's preferences. The cited passage at Col. 3, lines 26-56 merely describes a predicate action table which identifies specific callers based on attributes associated with an unsuccessful attempted connection. Again, there is no mention of configuring information, or a profile based on monitoring user's use or preferences, only description of identifying selected callers of unsuccessful attempts. Further, the table lists only messages indicating no connection can be made (i.e., line is busy) and thus does not describe information to be substituted while the connection is being established. The cited passages at Col. 4, lines 46 to Col. 8, line 12 merely describes the process of selecting a caller for a busy message after the determination that no connection can be made (i.e., the line is busy). Thus, there is no disclosure in He of configuring information to be substituted while the connection is being established or of a profile-based on monitoring user's use of the communication device and the user's preferences. Thus, the combination of Gregorek and He does not teach all of the claimed features of the independent claims.

With regard to claim 18 and the dependent claims 19-33, the claims call for suppressing tones of a user of a receiving communication device, and substituting to a user of the receiving communication device. Gregorek and He do not disclose this feature. Gregorek concerns providing announcements to the caller not the receiving device, Col. 3, lines 4-5; He also does not concern or describe substituting information to a receiving device. Thus, claim 18 and dependent claims 19-33 are further distinguishable over the cited references for this reason.

In addition, independent claims 1, 17, and 35 call for downloading the information during an immediately preceding communication. This feature is not disclosed by Gregorek or He. The Office Action asserts that He suggests this in Col. 3, line 26 to Col. 6, line 58, because He stores records in the predicate table which relate to the caller and are loaded during a connection. However, as described above, these records are not information substituted while

the connection is being established, nor is there any disclosure that they are downloaded during a completed communication immediately preceding the connection being established. In He there is no connection being established, it has been determined that a connection cannot be established. Further, He describes the predicate list and its maintenance in detail, but never mentions or suggests that it or any information to be substituted is downloaded during a preceding completed communication. Thus, independent claims 1, 17, and 35 and dependent claims 2-16 and 36-50 are believed to be further distinguishable over the cited references for this reason.

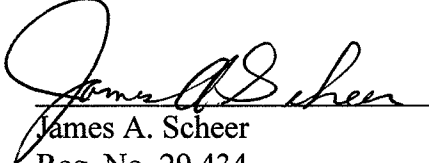
Claim 34, as well as dependent claims 9, 26, and 45, are limited to updating at predetermined time intervals. This feature is also not disclosed or suggested by Gregorek or He. Claims 4, 21, and 38 further claim verbal messages which describe the connection process. The Office Action asserts that He discloses this in Table 1. However, Table 1 only concerns a busy line and includes only "busy" messages. Thus, it has messages informing the user that no communication process can be conducted, but does not have messages describing the connection process. For these reasons, claims 4, 9, 21, 26, 34, 38, and 45 are believed to be further distinguishable over the cited references. Thus, the independent claims 1, 17, 18, 34 and 35 are believed to be distinguishable over Gregorek and He, and are therefore not rendered obvious by the combination of Gregorek and He. In addition, the dependent claims 2-16, 19-33 and 36-50 are believed to be allowable because they depend from allowable base claims 1, 18, and 35.

Further, dependent claims 13, 30, and 46 claim downloading from an outside source after the communication is established and subsequently substituting in future attempts to establish communications. Dependent claims 15, 32, and 47 claim updating only upon connection of the devices. These features are not described or suggested by Gregorek or He. Thus claims 13, 15, 30, 32, 46, and 47 are believed to be further allowable over the references of record.

As discussed above, claims 1-50 are not anticipated or rendered obvious by the cited

references. Therefore, allowance of all pending claims 1-50 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,


James A. Scheer
Reg. No. 29,434

Dated: July 24, 2008

WELSH & KATZ, LTD
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
(312) 655-1500 Telephone
(312) 655-1501 Facsimile